IN THE HIGH COURT OF PUNJAB & HARYANA AT CANDIGARH

C.W.P. No.16180 of 2006
Date of decision: October 12, 2006

Joginder Singh and others V. Panjab University and another

CORAM:: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE P.S.PATWALIA

Present: Shri Vivek Singla, Advocate, for the petitioner.

Viney Mittal,J.

The petitioners have qualified their M.A. examination in Music (Instrumental or Vocal). It has been claimed by them that they have secured high marks in the aforesaid examination. After qualifying the MA examination, the petitioners seek admission in M.Phil/Ph.D. For the aforesaid course, a Prospectus was issued by the Panjab University, respondent No.1. As per the aforesaid prospectus, a common entrance test was to be held on September 3,2006. The last date for submission of applications, for the aforesaid common entrance test, was August 11,2006. The petitioners claim that they duly applied through the applications before due date. They also appeared in the common entrance test held on September 3,2006. The result of the aforesaid entrance test for M.Phil (Music) was declared on September 9,2006 by the respondent-University. The petitioners were indicated as “NQ” (Not Qualified).

It may be noticed that the common entrance test comprises of two papers i.e. Paper I and Paper II. In the prospectus, for the compilation of the result, the prospectus stipulated as follows :

" **Initial evaluation wil be of Paper-I (Objective Type). Only if the candidate obtains 50% (45% for SC/ST) marks or more, Paper II will be evaluated. To qualify for Ph.D. Enrollment the candidate must obtain at least 40%(35% for SC/ST) marks in paper II".**

It is the aforesaid stipulation contained in the prospectus, which has been challenged by the petitioners before this court. According to them, the University after conducting a common entrance test was required to evaluate both the papers in which an applicant had appeared and mere evaluation of paper I (which was an objective type) initially, and thereafter, if a candidate obtained 50% (45% for SC/ST) marks or more, Paper II was to be evaluated, is totally unfair and arbitrary. The petitioners maintain that the aforesaid stipulation is arbitrary and discriminatory and cannot be said to be reflective of the merit of a candidate seeking admission.

We have heard Shri Vivek Singla, learned counsel for the petitioners and have also gone through the pleas raised by the petitioners in the present petition.

At the out set it may be noticed by us that on the showing of the petitioners themselves, the last date for receipt of the applications, seeking admission to M. Phil Course, was August 11,2006. It necessarily means that prospectus was issued much earlier than that date. The petitioners at no point of time challenged the aforesaid stipulation in the prospectus. They applied through applications before the last date. They appeared in the entrance examination, which was held on September 3,2006. At the time

when the petitioners had filed their applications and at the time when they had appeared in the common entrance test, the stipulation was already reflected in the prospectus. After having appeared in the common entrance test and having failed to secure the qualifying marks in Paper I, as contained in the stipulation,the petitioners cannot be heard to make a grievance at this late stage, against the said stipulation. The petitioners have, in fact, duly accepted the said stipulation and have never raised any protest against the same.

Even otherwise, we are satisfied that the stipulation cannot be held to be arbitrary or discriminatory, as claimed by the petitioners. As per averments in the petition, Paper I of common entrance test was to be objective type. It was only if a candidate secured 50% marks (45% for SC/ST) or more, then he was to be deemed as qualified and only, in those circumstances, paper II was to be evaluated. The mode of assessment of the merit of a candidate adopted by the University cannot be held to be discriminatory or arbitrary, in any manner. The said mode is of uniform application. The University has adopted the said system of assessment of merit of a candidate, keeping in view the academic requirements. It is well settled that in the field of academics, the courts are always slow in interfering.

In these circumstances, we find no merit in the present petition. The same is dismissed.

(Viney Mittal)
Judge

October 12,2006
sks

(P. S.Patwalia)
Judge

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